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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,380	12/08/2003	Vincent L. Weber	2693	4683
7590	10/19/2006			
A. Burgess Lowe 101 East Maple Street North Canton, OH 44720			EXAMINER CLEMENTE, ROBERT ARTHUR	
			ART UNIT 1724	PAPER NUMBER
DATE MAILED: 10/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/731,380

Applicant(s)

WEBER, VINCENT L.

Examiner

Robert A. Clemente

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 - 3 is/are allowed.
- 6) ☒ Claim(s) 4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments, see page 13 – 15, filed on September 21, 2006, with respect to the rejection(s) of claim(s) 1 – 4 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of new found prior art reference of US Patent 4,156,600 to Jacobson.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,156,600 to Jacobson.

Jacobson teaches a method of cleaning a filtration system, comprising: providing a container; providing a filter member having an interior being divided radially into equally sized elongated portions in said container; providing a valve located adjacent one end of said filter member so that suction is applied to selected elongated portions of said filter member; providing a port in said valve open to the atmosphere; rotating said filter member so that one end of said filter member is rotated past said port so that atmospheric air is allowed to enter one of said equally sized elongated portions of said filter when said equally sized elongated portion is rotated in alignment with said port and such that in one full revolution of said filter every one of said equally sized elongated portions is rotated past said port. See figures 1 – 8 and respective portions of the

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specification. Jacobson shows a housing (10), which acts as a container to collect the filtered particles. Within the housing Jacobson provides a filter member constructed from a tube (15), blades (18), plates (19) and filter pockets (21). As figure 2 clearly shows, the filter member is divided radially into equally sized elongated portions. One end of the filter member (15, 18, 19, 21) is located adjacent to the outlet conduit (12), or valve as broadly recited in the claims. The outlet conduit allows a fluid to flow through the filter pockets and out through the outlet conduit, therefore applying a negative pressure, or suction, to the filter pockets, or portions. Within the outlet conduit (12), or valve, Jacobson provides an opening (76), or port. As demonstrated in figure 8, the filter member is rotated past the opening, where atmospheric air is allowed to enter one of the filter portions that is aligned with the opening. In one full rotation every filter pocket, or portion, is rotated past the opening, or port.

In regard to claim 5, as discussed above Jacobson shows a filter member mounted in a dirt collecting container, the filter member having an interior divided into elongated portions, with the elongated portions open at one end of the filter member. The outlet conduit, as discussed above, comprises a valve that allows suction to be applied to the filter. Within the valve a seal (78) with a conforming extending margin (78a) is included. The seal and conforming extending margin comprise a blocking element that cover at least one of the elongated portions from suction. The opening (76), or port is located within the conforming extending margin and is in fluid communication with a source of air having a greater pressure than the air in the

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unblocked elongated portions. As shown in figure 14, a motor (302) is used for rotating the filter member.

***Allowable Subject Matter***

4. Claims 1 – 3 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The examiner found no prior art that taught or suggested a floor care appliance comprising: a suction nozzle; a dirt collecting chamber; a filter member located in the dirt collecting container, said filter member having an interior being divided radially into equally sized elongated portion; a valve located adjacent to one end of said filter member for allowing suction to be applied to selected portions of said elongated portions; an apparatus for rotating said filter member so that said one end of said filter member rotates past said valve; and a port located in said valve for allowing atmospheric air to enter one of said elongated portions of said filter when said elongated portion is rotated in front of said port and such that in one full revolution of said filter everyone of said elongated portions is rotated past said port.

The prior art of most relevance is the reference to Jacobson, which is discussed above. Jacobson's filter assembly is not intended for use in a floor care appliance and the examiner found no motivation to include it in one.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dietz discloses back flushed filter for use in a vacuum cleaner.

Vanhoutte discloses a filter that is rotated for cleaning.

Tatge et al. discloses a compartmentalized filter in which an air pulse is used to individually clean the compartments.

Mccutchen discloses a filter apparatus in which ambient air used to clean the filters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Clemente whose telephone number is (571) 272-1476. The examiner can normally be reached on M-F, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Smith Duane can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert A Clemente  
Examiner  
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RAC

DUANE SMITH  
PRIMARY EXAMINER

*D-A*  
*10-16-06*